IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 4570 of 2007(R)

AGAINST THE ORDER DATED / / IN PNB IN
DRC.1679/2006 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

V.L.PAULY, PROPRIETOR,
M/S.ROYAL OFFSETS, AMBALOOR P.O.,
ALAGAPPANAGAR, THRISSUR.

BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON

RESPONDENTS:

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1. PUNJAB NATIONAL BANK,
PUDUKKAD BRANCH, THRISSUR DISTRICT,
REPRESENTED BY ITS MANAGER.

2. PUNJAB NATIONAL BANK, REGIONAL OFFICE,
MARKET ROAD, ERNAKULAM, KOCHI-11.

3. RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL, 8TH FLOOR,
KSHB BUILDING, PANAMPILLY NAGAR, ERNAKULAM.

4. M.R.VINCENT, MANJALI HOUSE,
KANNAMPATHU, VIA CHENGALUR, THRISSUR DISTRICT.

5. LEENA VINCENT, MANJALI HOUSE,
KANNAMPATHU, VIA CHENGALUR, THRISSUR DISTRICT.

R1 AND R2 BY ADV. SRI.K.P.SUDHEER
SRI.G.D.PANICKER
SMT.JEENA JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE PROCLAMATION OF SALE ISSUED BY THE THIRD RESPONDENT DATED 13.11.2006

EXT.P2 COPY OF THE LETTER SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 7.2.2007

EXT.P3 COPY OF THE APPLICATION FILED BEFORE THE 3RD RESPONDENT DATED 7.2.2007

4TH RESPONDENT'S EXHIBITS:

EXT.R4(a) TRUE PHOTOCOPY OF THE RECEIPT ISSUED BY THE RECOVERY INSPECTOR DATED 12.1.2007

EXT.R4(b) TRUE PHOTOCOPY OF THE RECEIPT ISSUED BY THE RECOVERY INSPECTOR DATED 25.1.2007

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 4570 OF 2007

Dated this the 12th day of June, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for the Bank and counsel appearing for respondents 4 and 5. Counsel for respsondents 4 and 5 submitted that refund received is short by Rs. 13,510/-.The amount deposited by auction purchasers, namely, respondents 4 and 5, was with respondents 1 to 3 for two months. In the circumstances, W.P. is disposed of directing the petitioner to give a DD for Rs. 25,000/- towards cost to the respondents 4 and 5 and DD will be taken in favour of fourth respondent payable at Trichur and the petitioner is directed to give it within ten days from now. As and when payment is made, sale will stand set aside.

(C.N.RAMACHANDRAN NAIR)
Judge